

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4909

IN THE MATTER OF:

Served August 15, 1996

Application of TELAGRAY	)	Case No. AP-96-33
TRANSPORTATION INC., for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	

By application accepted for filing June 4, 1996, TeLaGray Transportation Inc., a Maryland corporation, seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on June 14, 1996, in Order No. 4870, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication, an amended Exhibit D with explanatory statement, and a cash flow statement. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains per capita rates.

Applicant filed a balance sheet as of July 1, 1996, showing assets of \$17,849; liabilities of \$18,571; and negative equity of \$722. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$70,000; other income of \$20,000; expenses of \$38,428; and net income of \$51,572.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

## DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Applicant must show the present ability to sustain operations during the first year under WMATC authority.<sup>1</sup> Applicant's liabilities exceed its assets, but applicant is projecting net income for 1996, and its cash flow statement shows a net inflow of cash during the first year. We have found other applicants financially fit under similar circumstances.<sup>2</sup>

Based on the evidence in the record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That TeLaGray Transportation Inc., 5303-85th Avenue, Suite 11, New Carrollton, MD 20784, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s)

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<sup>1</sup> In re O. Oluokun, Inc., t/a Montgomery County Limo & Montgomery County Shuttle, No. AP-96-15, Order No. 4852 (May 21, 1996).

<sup>2</sup> See, id. (net projected cash flow sufficient to cover both projected expenses and current liabilities); In re Community Multi-Servs., Inc., No. AP-95-56, Order No. 4753 (Jan. 30, 1996) (sufficient cash flow).

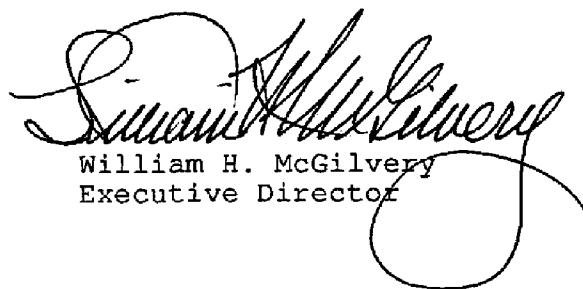
by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 354 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 354 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:



William H. McGilvery  
Executive Director

